

FIFTIETH YEAR.

JURY FAILS TO AGREE IN THE ROBERTS CASE. AN ARMY OF MEN KILLED IN AN EXPLOSION.

Remained Out Over Seventeen Hours—Stood Six for Conviction and Two for Acquittal—At the Close John F. Edwards and William Hart, Jr., Formed the Minority—The Case to Be Tried Again This Term.

Fearful Accident at No. 4 Winter Quarters Mine—Superintendents Sharp and Welby Go Down on a Special—Many Men Injured—Great Excitement at the Mine—Some Provo Men Among the Employees.

The jury in the case of R. H. Roberts, charged with unlawful cohabitation, remained out for 17 hours this morning and announced a disagreement.

The jurors were discharged and the case was set for trial again later in the afternoon.

James H. Moyle, Mr. Roberts' attorney, was present, and waited patiently for a verdict.

Mr. Roberts was not in attendance this morning at all.

THE JURY SENT FOR.

When such routine business had been transacted and there was nothing further requiring the court's attention, Judge Norrell instructed the bailiff to call the jury.

They looked tired.

As the jurors filed into the box, they looked pretty fatigued out. They had been out since 4:30 yesterday morning, a matter of more than seven hours, and each one of the eight jurors had been long since.

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have been out all night, and as each juror says there is no chance of an agreement, I will excuse you for the case and for this term.

This ended the proceedings, and the weary jurors filed into the clerk's office to draw their warrants.

DID NOT WANT TO TALK.

The jurors did not want to talk about the case, and they stood in the hall for some time discussing some phases of the case.

SIX FOR CONVICTION.

It was soon learned that at the close of the efforts to reach a verdict, they stood six for conviction and two for acquittal. The division was maintained nearly all the time.

On the first ballot, the vote was equally divided, but soon thereafter the number favoring acquittal dwindled to two.

After he had been locked up for the night, said one juror, "and were merely willing to get an expression with reference to some phases of the case then under discussion, a vote of five for acquittal and three for conviction was reached. When the formal balloting was resumed, the vote was changed back to six for conviction and two for acquittal and so it stood to the end."

HOW THE JURORS VOTED.

The jurors, it seems, had agreed among themselves that they would not tell their votes individually, and they stuck to that fairly well, although the majority of them did not hesitate to say "I am willing to tell you that I vote for conviction."

FOR CONVICTION.

Those voting for a conviction would be the foreman, Joseph Knight, the foreman, Robert Graham, John H. Thorne, John Spencer, Samuel Allen, Jr., Collin E. Stokes.

THAT STATEMENT OF FACTS.

Several of the jurors who were met spoke strongly against the method of trying the case on an agreed statement of facts.

"We were at a big disadvantage in considering this case as it was presented. It was a complete surprise to us. The method might have been well for a court, but we don't think it is a satisfactory one for a jury. We didn't understand what sort of a proceeding it was for a time, nor what they were getting at."

"Under the evidence, or what was given us," said another juror, "and the court's charge, I couldn't do anything but vote for a conviction."

THE DEFINITION GIVEN BY THE COURT in the charge as to the offense of unlawful cohabitation made it out an acquittal for me to vote for an acquittal."

HAD A HARD NIGHT.

"We had a hard night of it, on hard benches, too," said another juror, "but, of course, it couldn't be helped. The jurors were conscientious in this matter, and while a material is to be regretted, still, with the conditions they had, standing on either side was out of the question."

law, if there is a wicked intent in the mind or heart of an individual, his acts are to be construed in the light of that fact. If you convict the defendant of that offense, what under the sun is it possible that a man can escape from who has ever borne that relationship unless he has a heart of stone?"

MR. PUTNAM'S CLOSE.

In closing the case, Mr. Putnam spoke five minutes. He called attention to the action of Dr. Roberts in characterizing the scene of the greatest excitement on account of a terrific explosion at the Winter Quarters mine, which occurred about 10 o'clock this morning.

The cause is attributed to the blowing up of a number of kegs of blasting powder, and the point at which the explosion took place is not as yet known.

The scene before the mouths of the tunnels of the mines is a vivid one in the extreme.

Women and children waiting, mourning and crying out the names of their beloved ones and as every man is brought out from the mine on a stretcher, every one rushes forward, raises the covering from the face and shrieks awful to hear penetrates the dark and gloomy atmosphere as some one rushes forward only to faint at the foot of their husband's or father's corpse.

Up to now it is positively known that the loss of life is a great one and up to the corpses of twenty miners have been brought out and placed upon the ground awaiting arrival of strong-hearted men to carry them to their various homes. One hundred and fifty miners are known to have gone to work this morning and but very few have been brought out as yet.

There is hardly a doubt but that every miner taken out of No. 1 mine is bound to have succumbed to the grasp of death, for that particular mine was

other without more stirring occurrences.

WATCHING BOER GUERRILLAS.

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Stringent measures are being adopted to prevent the Boer guerrillas from securing supplies from other centers.

The little news from Thaba N'Chu is absorbing all interest.

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"This he was able to do, as the number of Boers in the neighborhood of Thaba N'Chu had considerably decreased."

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NO ADVANCE YET.

Lord Roberts also reports additional casualties sustained during the fighting of April 27, around Thaba N'Chu, consisting of Lieut. Geary and two enlisted men wounded.

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CLOSE CALL OF BRITISH CONVOY.

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ARTILLERY FIRING HEARD.

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"Gen. Rundle is covering the advance of the large force opposing them to the east, where they are strongly entrenched."

"Gen. Jan Hamilton and Gen. Smith-Dorrien occupy strong positions on the road to the north."

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